

### REMARKS/ARGUMENTS

Claims 1-4, 7, 10-14, 17, 19-23, 38, 39, 42, and 44-61 are pending, claims 9, 12, 19, 21, 23, 44, and 46 are withdrawn, and claims 5, 6, 8, 15-16, 18, 24-37, 40-41, and 43 are canceled. Claims 7, 17, and 42 are rejected, and claims 1-4, 7, 10, 11, 13, 14, 17, 20, 22, 38, 39, 42, 45, and 47-61 are objected to. In this Amendment, claims 1, 4, 9-14, 17, 19-23, 38, 39, 42, 44-46, 57, 60, and 61 are amended. Reconsideration is respectfully requested.

Applicant's undersigned representative thanks the Examiner for the courtesies extended during telephone conferences of March 9 and April 14, 2011.

#### **Specification Amendment**

Page 24 line 28 is amended to indicate that the described *EP* recording apparatus is an *electrophysiology* recording apparatus. Support for this amendment is in the originally filed disclosure, because it involves a rephrasing of terms as described in MPEP 2163.07, and therefore does not constitute new matter. The rewording of the passage keeps the original meaning intact, and is therefore permissible. It is well settled that the mere inclusion of an art recognized definition known at the time of filing an application is not considered new matter.

Attached hereto as **Exhibit A** is a copy of a promotional brochure for the Prucka CardioLab 7000. The brochure reports that the CardioLab is used in the "EP lab" and sets a new standard "in electrophysiology monitoring." This brochure has a copyright of 2000, evidencing that the equivalence in terms was understood at the time the instant application was filed.

Further attached as **Exhibit B** is a printout from the eplabdigest.com website which indicates the EP Lab Digest is specifically intended for electrophysiology lab professionals and physicians.

Additionally attached as **Exhibit C** is a printout from the University of Rochester Medical Center website which explains that an "electrophysiology study" is also referred to as an "EP study."

Based on the above, it is clear that the terms EP and electrophysiology are used interchangeably and commonly understood to have equivalent meaning, particularly in the field of electrosurgery, which is encompassed by the instant application. Hence, the specification

amendment which rephrases the term "EP recording apparatus" as "electrophysiology (EP) recording apparatus" introduced no new matter.

#### **Claim Amendments**

Claims 1-4, 7, 10, 11, 13, 14, 17, 20, 22, 38, 39, 42, 45, and 47-61 are amended to replace the term "element" with the term "electrode". Support for these amendments can be found in the specification at, for example, the paragraph bridging pages 19 and 20, and page 23, lines 19-33. Claims 7, 17, and 42 are amended to conform antecedent basis. Claim 60 is also amended to add the term "electrophysiology." Support for this amendment can be found in the amended specification text discussed above. No new matter is introduced.

#### **Claim Rejection**

Claims 7, 17, and 42 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Amended claims 7, 17, and 42 do not depend on canceled claims. Withdrawal of this rejection is respectfully requested.

#### **Claim Objections**

Claims 1-4, 7, 10, 11, 13, 14, 17, 20, 22, 38, 39, 42, 45, and 47-61 are objected to for allegedly containing nonuniform claim language. Amended claims 1-4, 7, 10, 11, 13, 14, 17, 20, 22, 38, 39, 42, 45, and 47-61 do not interchangeably use the terms "electrode" and "element". Withdrawal of this objection.

#### **Statement of Substance of Interview**

Pursuant to MPEP 713.04, it is noted that on April 14, 2011 the Applicant's undersigned representative and Examiner Roane discussed the specification and claims 42 and 60, and amendments thereto, including an agreement on amending claim 42 to conform antecedent basis, and amending the specification and claim 60 to indicate the terms "EP" and "electrophysiology" are equivalent.

#### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/727,144  
Amdt. dated April 15, 2011  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 3769

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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**Attachments (Exhibits A, B, and C)**

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